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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,870	03/25/2004	Joseph York		9763

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Emery L. Tracy  
P.O. Box 1518  
Boulder, CO 80306

EXAMINER
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SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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06/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/810,870

Applicant(s)

YORK, JOSEPH

Examiner

Sujatha Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/25/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordoba [US 7,009,512].

Regarding claim 1, Cordoba discloses an alarm system for a portable device. Cordoba further discloses a cellular phone notification apparatus comprising:

- a cellular phone, the cellular phone (14 in Figs. 1 and 2) having two surfaces, a front surface and a rear surface; see Figs. 1,7,16 where the front surface has the display and the keyboard and the rear surface has the battery device.
- a transmitter unit connected to the surface of the cellular phone, the transmitter unit having an incorporated radio wave transmitter that continually emits radio waves of a specific frequency and strength, the transmitter unit also having an incorporated radio wave receiver; see col. 2, lines 25-57 and col. 4, lines 64, col. 5, lines 50-55
- power means for providing power to the transmitter unit; see col. 1, line 63 – col. 2, line 8 where there is shown the use of rechargeable power source
- a receiver unit, the receiver unit having an incorporated radio wave transmitter, the receiver unit also having an incorporated radio wave receiver, the receiver unit having a

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plurality of notification mechanisms; see col. 2, lines 25-57 and col. 4, lines 64, col. 5, lines 50-55

- power means for providing power to the receiver unit; see col. 1, line 63 – col. 2, line 8 where there is shown the use of rechargeable power source
- a speaker incorporated into the receiver unit; see paragraph 54 where there is an alarm indication in the child unit. See col. 5, lines 21-25
- a plurality of lights attached to the receiver unit; see col. 6, lines 1-3
- means for locating the cellular phone through the receiver unit; see col. 2, lines 24-67 and col. 3, lines 8-24
- means for attaching the receiver unit to an item of clothing being worn by an individual; see col. 7, lines 23-25
- a mechanism attached to the receiver unit, the mechanism including a plurality of notification settings, the mechanism allowing an individual to choose one of the plurality of notification settings at any particular time, each notification setting designed to correlate with a particular notification mechanism; see col. 3, lines 3-6 and col. 6, lines 1-3
- wherein the incorporated radio wave receiver on the receiver unit continually receives the radio waves emitted from the radio wave transmitter in the transmitter unit, further wherein the incorporated radio wave receiver on the receiver unit is capable of measuring distance between the receiver unit and the transmitter unit based on the strength of the radio waves, and further wherein the incorporated radio wave receiver on the receiver

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unit will activate at least one notification mechanism. See col. 2, lines 25-42; col. 1, lines 35-45 and col. 1, line 63 – col. 2, line 3

However, Cordoba discloses a method where the transmitter chip is connected to the front surface of the cellular phone as shown in Figs. 1 and 2 and so fails to disclose a method where the transmitter is connected to the rear surface of the cellular phone.

However, connecting the transmitter to the rear surface of the cellular phone does not alter the functionality of the transmitter device or the cellular phone and is purely a design choice and therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to connect the transmitter to the rear surface of the cellular phone as a design choice.

Regarding claim 2, A cellular phone notification apparatus according to claim 1 wherein the means for attaching the receiver unit to an item of clothing being worn by an individual further comprises a slot, the slot allowing placement of the receiver unit to an item of clothing being worn by an individual. See col. 1, lines 25-35, col. 5, lines 7-25 and lines 62-65, col. 7, lines 23-25, which read on the claimed limitation

2. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordoba [US 7,009,512] in view of Holbrook [US 6,674,364].

Regarding claim 3, Cordoba discloses all the limitations as claimed. Cordoba further discloses a method wherein the radio wave receiver on the transmitter unit receive the radio waves from the radio wave transmitter on the receiver unit if it is within a pre-set range,

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However, he does not disclose a method wherein the means for locating the cellular phone through the receiver unit further comprises:

- a locate button located on the receiver unit,
- wherein depressing the locate button activates the radio wave transmitter on the receiver unit, causing it to send out radio waves further wherein the radio wave receiver on the transmitter unit activates the speaker on the transmitter unit and cause it to make sounds, thereby alerting an individual as to its location.

Holbrook, in the same field of endeavor, teaches a method wherein the means for locating the cellular phone through the receiver unit further comprises:

- a locate button located on the receiver unit; see col. 3, lines 25-34 and col. 6, lines 42-51
- wherein depressing the locate button activates the radio wave transmitter on the receiver unit, causing it to send out radio waves further wherein the radio wave receiver on the transmitter unit activates the speaker on the transmitter unit and cause it to make sounds, thereby alerting an individual as to its location. see col. 3, lines 25-34 and col. 6, lines 42-51

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Holbrook in Cordoba's invention in order to provide anew and improved method of facilitating the finding of misplaced or lost items.

Regarding claim 4, Cordoba further discloses a method wherein the mechanism attached to the receiver unit is a three-position switch, the three-position switch having three separate positions, one of the positions being a "beep mode," another one of the positions being a "light mode," and

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the third position being a "vibrate mode," each of the three positions corresponding to a notification mechanism of the receiver unit. see col. 3, lines 3-6 and col. 6, lines 1-3 which recites a method where the notification means can be an optional combination of any of the three modes thus indicating that this option is set by the user and therefore reads on the claimed limitation.

Regarding claim 5, Holbrook further discloses a method wherein the "beep mode" position, will activate a notification mechanism in the receiver unit that causes continuous beeping when the radio wave receiver on the receiver unit is activated. See col. 6, lines 42-51

Regarding claim 6, Holbrook further discloses a method wherein the three-position switch, when in the "light mode" position, will activate a notification mechanism in the receiver unit that causes the plurality of lights to continually blink on and off when the radio wave receiver on the receiver unit is activated. See col. 6, lines 42-51

Regarding claim 7, Cordoba further discloses a method wherein the three-position switch, when in the "vibrate mode" position, will activate a notification mechanism in the receiver unit that causes continuous vibration of the receiver unit when the radio wave receiver on the receiver unit is activated. See col. 3, lines 3-6 and col. 6, lines 1-3

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Rabanne [US 2003/0011478]	Battery with integrated tracking device
Brifett [US 6,154,665]	Radio telephone proximity detector
Lee [US 6,885,848]	Apparatus for preventing loss of portable telephone using a Bluetooth communication protocol and control method thereof
Jespersen [US 6,956,480]	Electronic apparatus including a device for preventing loss or theft
Hsu [US 6,816,070]	Method of generating an alert for walkie-talkie when out of communicatable distance
Sasakura [US 6,151,493]	Device for prohibiting unauthorized use of electronic devices


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Sujatha Sharma  
May 10, 2007